

App. F. IX-4

Previous References

1935.

(Law)

File No.

Law

Serial Nos.

96-35

2111

Later References

PRESERVED

Preserved

General and Revenue Secretariat.

Serial Nos.

one

Part B for

Non 35

SUBJECT.

action against Mr. K. T. Bhaskaram Nayan
under the Legal Practitioner's Regulation

C. R. No. 13 of 35-2, 1-11

Mr. Abdul Aziz

CONFIDENTIAL & IMMEDIATE.

K. SYED TAJ PEERAN, B.A.,
Deputy Commissioner.

DEPUTY COMMISSIONER'S OFFICE,
BANGALORE.

D. O. Case No. 125/29.30
Enc. one.

Dated 11th June 1930

[Record.]

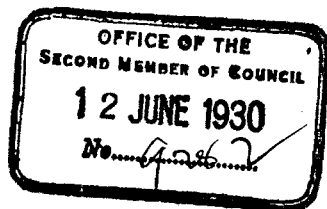
Dear Sir,

I beg to submit herewith for the information of Government a copy of report received from the Superintendent of Police, Bangalore City and Taluk, regarding a public meeting held on the 5th June 1930 at 6 P.M., in the Gandhi Maidan - under the Presidentship of Mr. K. T. Bhashyam - Iyengar. and also beg to draw your kind attention to the portions marked in red pencil in the report

Yours sincerely,

P. Mahadeviah

P. Mahadeviah, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Law Department,
Camp Mysore.



B - Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Kindly note is invited to the subjects of my to T. Bhashyam Iyengar inviting people to disobey orders passed under S. 144 of Cr. P. C. A lawyer is a limb of the law and officer of the Court whose duty is to help in the enforcement of laws & not to break them. In B. India, action is being taken even in cases in which lawyers abuse themselves prior the Courts neglecting their work. If the High Court take proper notice in such instances, I am sure it will have a wholesome effect.

2nd member Perhaps the Chief may be

CONFIDENTIAL & IMMEDIATE.

A. K. SYED TAJ, P.E.P.A.N., B.A.,
Deputy Commissioner

DEPUTY COMMISSIONER'S OFFICE,
BANGALORE.

Dated..7th A.U.G.U.S..L.193 0

D. O. C. 20/30.31

Enc. one (with 4 A. G. R. + 2 Mysore Cases. Vols. 2+6).

8/8/30
Dear Mr. Mahadeviah,

As I am ordered to hold a joint enquiry into the allegation against the Police of interfering with the boys in the Fort High School, I regret I cannot go over to the Public Offices Building. I am sending the draft herewith, with the books, for your kind perusal and request you to kindly consult the Government Advocate for taking further action in the matter.

You may have heard that Mr. Doraswami Mudaliar has been arrested by the Cantonment Police and that a fracas occurred between the students and the Police in which the Police Inspector Mr. Smithe seems to have received serious injuries. It remains to be seen what developments will take place in the City to show sympathy with Mr. Doraswami Mudaliar at the instigation of the agitators headed by Mr. Bhashyam who has openly declared that he would take the place of Mr. Doraswamy Mudaliar in carrying on the agitation.

Yours sincerely,

A. K. Syed Taj

Brief notes of the Political activities of Mr. K. T. Bhashyam Iyengar, culled out from his speeches together with the legal aspects of such speeches under the Legal Practitioner's Act.

2-5-1930

Mr. K. T. Bhashyam addressed a public meeting held in the Dharmambhudi tank on the 2nd May 1930 under the Chairmanship of Mr. D. V. Gundappa. In the course of his address, he exhorted the audience thus:-

"Particularly one more point I want to emphasise on you is this, i.e., from tomorrow or the day after, or after two or three days hence, the Government or the Magistrates or the Police may prohibit from holding these meetings and there is every sign of their doing so. If they prohibit from holding these meetings from tomorrow, I would request you not ~~for~~ fear for them and see that meetings are conducted every day without caring for that prohibitory order. I emphasise you once again to hold meetings like this, even though they are prohibited from doing so without caring for that interference From that moment alone, you start disobedience. Don't care for the Government. You start Sathyagraha. You must know that I am going to perform this Sathyagraha, whereas you will have the opportunity of doing the same at your own homes.

2. On 5-6-1930 addressing a public meeting held in the Gandhi Maidan under his own Presidentship, Mr. K. T. Bhashyam Iyengar spoke as under:-

" If you respect Mahatmaji and act according to his simple instructions, viz., wearing khadi, picketting - foreign cloths and liquor shops, you will save all this amount. We have no responsible Government. Here in our Government if we say anything in Assemblies, the reply we get is, " I disallow that question in the interest of the public ". In fact they do not know what public interests are. They do not ask even the public opinion ^{but} to say like this. Such pretentions and irregularities are not known to our villagers. The Dewan Sahib and Councillors go to Villages

Villages and ask them (మళ్ళీ అంతా, అంతా దివసం దేవతాదేవత). That is all. The villagers will be satisfied and they ~~may~~ will say "see our Amildar never entered into the temple or Chavadi, but the Dewan Sahib and Councillors entered and said that this should be white washed. They are very interested about our welfare. They are very good officers. This is how the things are going on. This kind of Government is not good Government. " All should fight for responsible Government. We should all defy the orders to prevent the conduct of processions and meetings. This has already commenced in our State. Section 144 has already been brought into force in Mysore City. We shall see what happens. We may also expect the same here very shortly. Then you should all defy Section 144. You should be bold. Then you will get Swarajya. You should not say you will do so till the Police come. Let us see what you will do. There is a proverb (అడవికి పండ్లు పుట్టవు). If they say section 144, you should all be here. You should not be quiet at any cost. In the interest of your own you should not fear. You must encourage every man in this. There is good in this. You will be enthusiastic. You should not sleep. The villagers should be enlightened (in this point and they should be told to urge for the immediate grant of ^{self} responsible Government. There might come a time, when the villagers will have to be told about the non-payment of taxes even. etc. etc.

11-5-1930

3. Mr. K. T. Bhashyam addressed a meeting held in the compound of Mr. C. V. Narasimha Iyengar's Bungalow under the Presidency of Mr. Shama Rao. In the course of his address he said as follows:-

" The next thing we have to do in Ankola Taluk, is that all the toddy trees should be cut off. We want also to declare " No-Tax Campaign". This we hope will be very successful because there is unity among the public..... There might come a day when Satyagraha will have to be declared here also &c. &c.

22-6-1930.

4. On 22-6-1930 Mr. K. T. Bhashyam addressed a ..

a public meeting held in the Dharmambhudi tank bed under the presidency of Mr. C. V. Narasimha Iyengar, in the course of which he stated as under:-

" Mahatmaji has already said that the students should leave their schools in obedience to which we have to ask the students to leave their school and go on strike &c &c."

3-8-1930

5. On 3-8-1930 Mr. K. T. Bhashyam addressing a public meeting in Dharmambhudi tank under his own Presidency spoke as under:-

" As already ordered by our leaders and as per decisions of the All India Congress Committee, you students of Schools and Colleges must give up your studies for the present and join the agitation. There is nothing more expected of you, &c &c". He also said that one Mr. Doraswami Mudaliar, a merchant in Civil and Military Station has been issued a notice by the Resident to leave the C. & M. Station and not to stay anywhere in its borders and the time allowed to him expires on next Wednesday. xx xx xx xx

xx xx xx xx
We have now a best chance in helping Mr. Mudaliar not to leave C. & M. Station limits. Mr. Mudaliar does not leave C. & M. Station and he is prepared to defy the orders. -

Hitherto we had no such a chance of the kind do not know whether 4 people would join us, 40 people would join or any greater number still. I have no idea. I cannot say now as to what would be our exact duties. They may charge Mr. Mudaliar with lathies. It is quite likely, or they may arrest him. If you support, I am prepared to take his place there and work up the cause. I request you to kindly consider this important matter and let us know on 5-8-1930 in the same place when we will be meeting again. I shall also discuss with the prominent men in the City and tell you about their opinion &c &c. " At the conclusion of the meeting he said that by Hartal he meant that it should be

be a peaceful demonstration. The students on the 5th instant should stay away from going to their classes and all the merchants and Lawyers should observe hartal, etc., etc.,"

6. As a result of this Exhortaion there was a strike of students in the Fort High School and students created lot of disturbance in front of the School.

LEGAL ASPECTS.

In respect of these speeches, it has to be considered whether Mr. K. T. Bhashyam an Advocate of the Mysore High Court can be brought within the purview of Section 13 Cl. (B) and (F) of the Mysore Legal Practitioner's Regulation as amended by Regulation I of 1897

2. In All India Reporter 1922, Privy Council 351, Their Lordships held that the jurisdiction of the High Court to take action against ^{legal} ~~law~~ practitioners was not confined to acts in professional capacity but may extend to other activities, for example, ^{organised} ~~examined~~ resistance to payment of tax which entitled grave danger to the public peace. This is a case of a Pleader in the Central Provinces who had organised an agitation against the payment of a tax and was bound over by a Magistrate to keep the peace for one year. The Court of the Judicial Commissioner dismissed the Pleader holding that his conduct brings him within the purview of Section 13 Cl. (7) of the Legal Practitioner's Act and Their Lordship of the Privy Council declined to give leave to appeal against that judgment.

3. In All India Reporter 1922, Calcutta - page 515 - Sanderson C. J. expressed at P. 534 that amongst various types of misconduct there is none more reprehensible than such conduct as tends to impede, obstruct, or prevent the administration of the law, or to destroy the confidence of the people in such administration and any attempt on the part of a pleader to boycott the Courts or to obstruct the administration of justice by a resort to any form of device, constituted in my opinion, ground for disbarment or suspension.

4. In 1924 Madras 160 (Full Bench decision) - It was decided that the jurisdiction ~~that it is~~ in which the Court exercises under Section 13 is not a vindictive jurisdiction at all. Its main object in such a case is not to allow a man to practice in Courts when he himself is counselling - disobedience to the law and order enforced by Courts. When a man who has offended that way comes before the Court and honestly expresses his regret and his intention to assist the administration of justice in future, there is no reason why he should not be given an opportunity of showing that his intentions ~~will~~ are as he expresses them.

5. In All India Reporter 1924.- Madras (Full Bench decision). The Court held that Courts should not consider what the political opinions of anybody are, whether they are members of the legal or any other profession. But while the Courts will always uphold the liberty of the subject in thought of speech, an applicant who comes to ask for the issue or renewal of a Sannad is applying to be treated as a ~~part of the~~ machinery for the maintenance of law and order in the body of politics and to take an active part in administering for the other subjects of the Crown, the benefits that may be supposed to result from the upkeep of law and order. It is intolerable and illogical that a man should seek to be put in that position while at the same time he is saying that law and order should be disobeyed and taxes are not to be paid and that all public offices should be abandoned in order to paralyse the very life of the body politic apart altogether from any other views he may entertain as to the desirability of the person or the particular members of the Government he attacks or the particular character of the transactions - carried on in these Courts. A court would not without stultifying itself issue a certificate to a man, who, in the same breath, that he is asking for it, cuts ~~himself~~ himself off and announces his intention to do his best to cut off others from the life of the State.

6. In All India Reporter - 1924 - Madras - 479, it was held that when a Pleader was committed to prison for default in complying with an order under Section 107 Cr.P.C. and the Pleader later disclaimed and disavowed any intention or either disobeying the order or in any way paralysing the administration of justice, the Sannads of the pleaders may be renewed.

7. Now, among the speeches which Mr. K. T. Bhashyam has given ~~xxx~~ to, it is seen that on 2-5-1930 and 5-6-1930, he has incited the audience in these meetings to disobey the orders of Government, of the Magistrates and of the Police if there should be prohibitory orders to hold meetings and to start disobedience of law and also to bring into hatred or contempt the officers of Government viz., the Dewan and the Councillors. On 11-5-1930, he has said that all toddy trees should be cut off at Ankola and a " No-Tax Campaign " should be started. On 22-6-1930 and 3-8-1930, he has instigated School boys to strike and join the agitation meaning thereby the Civil Disobedience movement, and that all Lawyers, students, merchants should observe hartal on 5-8-1930.

8. All these speeches come within the purview of the decisions of the several High Courts quoted above and this is a fit case for the High Court of Mysore to take discreptionary action against Mr. K. T. Bhashyam under Section 13 Cl. (B) and (F) of the Mysore Legal Practitioner's Regulation.

Atty. General
at. magistrati
7/8/30

Proceedings of a public meeting held in the Gandhi Maidan at
... on 3-3-1930 under the presidency of Mr. K.T. Bhargava.

Messrs. K.T. Bhargava Iyengar, P.L. Ramliya, Gundu Rao Shadri
and T.L. Iyengar addressed the audience in Kannada. About 50 persons
were present at the commencement of the meeting and it gradually
swelled to about 250.

Mr. K.T. Bhargava.

Friends:- I am sorry to see the poor attendance of audience
to day at the meeting. In the beginning, before I went to Ankola,
I was seeing a large number of people attending the meetings. But
in this meeting the majority are G.D.s. This is very regrettable.
I shall suppose that the people of Bangalore have thought of their
responsibilities and want to do more work for the country in some
other manner, that by mere attending the meetings would serve no
purpose. I do not know how far our supposition will hold good.
Any how let us suppose that those that are not attending are doing
good work for the cause of the country. Now coming to the present
point, I ~~now~~ draw your attention that Mahatma Gandhi went to Jail
exactly a month back. During this period of one month what have
you done for him? Why did he go to Jail? What was the reason for
arresting him? I suppose most of you know. It is for a very
little reason. It is because he wanted to raid on salt works,
along with his volunteers. So they arrested him. Salt is manu-
factured out of sea water. We have to pay tax on this water and
we are not allowed to manufacture salt. They manufacture salt and
price it to about 4000% more than its real value. That means about
5.100/- worth of salt is sold to Rs. 1200/-. This money will go to
them. This is very illegal. In order to avoid this kind of cheat-
ing and booty, Mahatma Gandhi opened this agitation. This is the
reason why they arrested him. They thought that this agitation would
be rooted out by keeping Mahatmajee in prison. On the other hand
it is burning all over India like a wild fire. To pay about 50
crores of rupees for the military. They say it is for our protection
if there is war in China, Germany and other places, they take this
army. For this expense also we have to pay. That comes to about
100 crores of rupees approximately. For all this we have to pay.
Then again if you see in appointments in Government service, there are
thousands of white men in all superior services. They want that
only these men should be in superior services. They say that our men
are not fit for the job. These white men are paid about 10 times more
than our men. It is impossible for us to calculate as to how much
amount they are taking away from us. If you respect Mahatmajee and
act according to his simple instructions, viz., wearing Khadi,
rejecting foreign clothes and liquor shops, you will save all this
amount. So it is now we have no power to ask as to why they are
doing like this. We have no responsible Government. Take for
instance in our State. The Government say we are given all the
facilities. We have no responsible Government. People of Bombay
have become very bold and are all united. They repeat only one word
always. You a beggar wear Khadi. They say in one word ಸರ್ಕಾರಿ ಕೆಲಸಕ್ಕೆ
ಸರ್ಕಾರಿ ಕೆಲಸಕ್ಕೆ. Government officers might say it is
conditions. The people do not mean by so saying that all the Briti-
shers should be burnt away. They mean that all the evils should
be vanquished. They mean that responsible Government should be esta-
blished. They want nothing else. There in our Government if we say
anything in assemblies the reply we get is, "I disallow that question
in the interest of public." In fact they do not know what the
public interests are. They do not ask even the public opinion out
of the public. Such pretensions and irregularities are not known to
our villages. The Dewan Sahib and councillors go to villages and
ಮುಖ್ಯಮಂತ್ರಿಗಳು ಮತ್ತು ಸಚಿವರು
ಮುಖ್ಯಮಂತ್ರಿಗಳು. That is all. The villagers will be satisfied
if they call us? Our soldiers never entered into the temple
of the god, but the Dewan Sahib and councillors entered and said that
this temple is under the control. They are very interested about our
welfare. They are very good officers.

This is how the things are going on. This kind of Government is not good Government. Our duties are to destroy the slavery and work for the country. All should fight for responsible Government. We should all defy the orders to prevent the conduct of processions and meetings. This has already commenced in our State. Section 144 has already brought into force in Mysore City. We shall see what happens. We may also expect the same here very shortly. Then you should all defy Section 144. You should be bold. Then you will get Swarajya. You should not say you will do so till the police come. Let us see what you will do. There is a proverb (68 or 50 or 60 or 70 or 80 or 90 or 100). If they say Section 144, you should all be here. You should not be quiet at any cost. In the interest of your own you should not fear. We will not abuse you. You must encourage every man in this. There is good in this. You will be enthusiastic. You should not sleep. The villagers should be enlightened in this point and they should be told to urge for the immediate grant of responsible Government. There might come a time I suppose when the villagers will have to be told about the non-payment of taxes even. In spite of so many repeated requests most of you have not yet taken to khadi. It is unnecessary for me to repeat once again my old story about the use of khadi. I request you to buy khadi immediately. If you do not get sufficient quantity please buy as much as is very necessary. As Mr. V.J. Patel has said you should be continuing with your present clothing only till you get fresh supply but not to go in for foreign cloth."

Mr. M.R. Namaiya.

Dear Gentlemen:- Mahatmajji was arrested a month back. He has told us only 3 little points. These are very easy to follow:-

1. To aid Salt Satyagraha. 2. Financing the volunteers and 3 boycott and picketting of foreign clothes.

Many people have said that Mahatmajji is equal to God Almighty. There is no doubt about it. None are equal to him. What he is saying is not big Vedantha. It is a little thing. If you have faith in him obey him at once and do not waste your precious time.

Ireland, China, Japan, America and Korea fought for independence. They experienced more difficulties than we did. It is our aim to boycott foreign cloth. Government have guilty consciences. Mahatmajji said that they should raid on salt works, and boycott Government officers. So he was arrested. The Viceroy thought that the agitation would stop by this. Next Mr. Abbas Thayabji an old man of 80 who led the agitators was arrested. Next turn was to Mrs. Sarojini Raihu. She was made to sit for 27 hours in the hot sun and was also arrested. That was something like a war between Danava and Rakshasas. Then Mr. Manilal Gandhi son of Mahatma - Gandhi was arrested. Miss. Patel was arrested. So many others thousands were arrested. About 15000 persons raided the salt factories and destroyed salt pans. They were all put to much trouble, and the agitation is continuing at any rate. The representative of "Daily Herald" interviewed Mahatmajji in Jail when Mahatmajji told him that they want enough of food, clothing and Swarajya. Right Honourable V.V. Kinnivasa Castry, a moderate has warned the British Government that the interests of the Indians should be considered immediately and Gandhiji released, else there might be trouble.

The Viceroy has issued the Fresh Ordinances, viz., (1) If you say that tax should not be paid it is an offence. (2) Picketing of foreign cloths and liquor shops is an offence. So far, it applies to Bombay, Bengal, Madras and some other places of northern India. This might extend to our places also. Let them do so. We are not afraid. They want to put an end to this agitation, by using machine guns and charging the agitators with lathies. They bring martial law wherever they like. This martial law means to punish for no fault.

Let them do anything they like. I shall do as Mahathmaji has advised us. This is all what I say.

Mr. Sitharama Sastry.

Gentlemen and Friends:- How are the conditions today is the question now we have to discuss. Formerly many people used to attend the meetings, but now the number is getting down. It is probably because the Bangaloreans do not want to assemble. They want to work for the country briskly. Some do not like to come and simply sit here. But it has been difficult for us to know as to who those workers are. This is very unsatisfactory. We have started a committee specially for that. We want to see those workers. We ask them to come there. I promise its activities are going to be successful in our attempts. I have been getting good many volunteers. There have been still many who desire to work and enroll themselves. I do not know what I have to do with them. I am seriously thinking. This has been done at the request of our Bangaloreans. I will tell you what help we require from you. In Bombay, Calcutta, Cholepur and other places, all the people are encouraging them. Here if we go to so called big wigs, we cannot get anything. Just this morning myself and Messrs. P.N. Manaiya, Thagadur Ramachandra Rao, and Subba Sastry went to Sasavanagudi, for subscriptions. We went to a big officer's bungalow. It is Mr. Miriannaiya, Inspector General of Police. I first went at his gate and responded. Mr. Miriannaiya came and asked me about my welfare and my activities with his smiling face. I explained him the work I have been doing and requested him to give us the subscriptions. He refused and said that it was not loyal. I told him

ನು ಹೊಸ್ಟ್ ಡಿ ಸಮಿತಿಯು ಎಂಬ ನಡಿ. ಇಂತಹ ಸ್ಥಳ
ನು ಕೂಡ ಇಲ್ಲ. ಹೀಗೆ ನ ತಪ್ಪು ದಿಲ್ಲಿ ನಿಲ್ಲಿಸುವ
ನು ಕೇಳಿ ನು ಹೊಸತನು ತಿಳಿತು.

) I do not find fault with him. I have to find fault with you, for this. It is you that are paying him heavily. All his riches are yours. I then told him that I will go to the Dewan and come again to him. To day Mr. Miriannaiya is a big officer. What will he do after his retirement? He is residing in the same locality where we are all residing. He has his own house there.

ಆದರೆ ನು ಹೊಸತನು ತಿಳಿತು. ತಪ್ಪು ನು ಹೊಸತನು
ಮುಂತಾದವು. ಆದರೆ ನು ತಿಳಿತು ತಪ್ಪು ನು ಹೊಸತನು
ತಪ್ಪು ನು ಹೊಸತನು ತಿಳಿತು. ಇಂತಹ ಮುಂತಾದ
ಹೀಗೆ ನು ಹೊಸತನು ತಿಳಿತು. ತಪ್ಪು ನು ಹೊಸತನು
ಆದರೆ ನು ಹೊಸತನು ತಿಳಿತು. ಇಂತಹ ಮುಂತಾದ.

The Hindu and Marajya news papers are playing a great havoc. About 3000 copies of Hindu and about 2500 copies of Marajya are circulated here. They publish information relating to Madras and other places, and nothing about Mysore. This paper is purchased here on a very large scale while very little care is given to the local papers. I have to tackle the Hindu and Marajya representatives, for this. I request that they would atleast be careful in future. I think that our Government are thinking of Sections 39 and 144. I warn them that they should think well before doing so. I also think they are very careful now. Tomorrow evening we are going in procession. If there is prevention we are not going to care for the authorities. We will not even wait if you do not come.

ಅಂಕುರವೇ ವರದಿ ನೀಡುವುದು
 ಒಂದು ಸಲವೂ. ದೇಶವು ಎಲ್ಲೆಡೆ
 ಹೋಗಿಲ್ಲದೆ ಇದೆ

They want to do it but they are afraid, because they are also
 watched just like these C.I.Ds. watch us. During the Ganapathi
 disturbance I was standing at the Ganapathi School (Sultanpet A.V.
 School) Mr. Matthan came there. He saw Mr. Balasundaram Iyer's
 son who was also standing there. Then he said "Oh! you are here.
 This is the way they threaten.

We want a house for our volunteers. They want food and
 clothing. We have so far collected Rs.25/-. Please give us
 what all you have and go. I did the same thing when I went this
 morning to a retired officer's house. He asked me to come some
 time later. I requested him to give away whatever he had.
 Unfortunately he had only 0-1-9. He is a big man. Give us
 whatever you have or else you will be committing sin by deceiving
 Gandhiji. We do not care for Viceroy's Ordinances. You take
 away all these caps and put on Gandhi caps. We come to you -
 tomorrow. You must give us money. Do not say you have no money.
 You have received your salaries only one or two days back.

Tomorrow evening we will start in procession from Mr.S.
~~Mr. G. S. Rao Khadri~~ Venkatapathaiya's house. This is a place
 where all political badmashes resort. It is Mr. C.V. Narasimha
 Iyengar's bungalow. It is opposite to Modern Hindu Hotel. If
 you cannot locate the place still, ask the police and C.I.Ds.
 They will guide you.

ದೇಶವೇ ಎಲ್ಲೆಡೆ, ರ. 1. 5. ಸೇರಿ ದೇಶವು
 ಬೆಂಗಳೂರು, ಬೆಂಗಳೂರು, ಬೆಂಗಳೂರು. 65
 ರಸ್ತೆ ದಿಕ್ಕಿನಲ್ಲಿ ಹೋಗಿ. ಬೆಂಗಳೂರು, ಬೆಂಗಳೂರು.
 ಒಂದು ಸಲ.

Mr. Gundu Rao Khadri.

Gentlemen:- I am not a Mysorean, nor my birth place is Mysore.
 But I have seen so many villages which are not even a Mysorean has
 seen. I had recently gone to villages and delivered some speeches
 they do not know anything. We should go to villages and plant
 this agitation there. A certain man in a village said that it is
 impossible to be without English men.

ನನಗೆ ಎಲ್ಲೆಡೆ ಹೋಗಿರುವುದು. ಅದು ಹೇಗೆ ಹೇಗೆ
 ದೇಶವು ದೇಶವು ದೇಶವು ದೇಶವು ದೇಶವು, 5
 ನನಗೆ ದೇಶವು ದೇಶವು ದೇಶವು. ಅದು ಹೇಗೆ ಹೇಗೆ
 5 ರಂತೆ ದೇಶವು ದೇಶವು ದೇಶವು ದೇಶವು ದೇಶವು
 20 ದೇಶವು ದೇಶವು ದೇಶವು ದೇಶವು ದೇಶವು
 ದೇಶವು ದೇಶವು ದೇಶವು ದೇಶವು ದೇಶವು.

Once I interviewed the Dewan Sahib in connection with Gorakshana Sabha. As soon as he saw me he stared at me many times from head to toe. He then asked me "Well Mr. Gundu Rao, are you clad in full Khadder?" I said, "Yes, Sir," He said, "I am glad." Then I asked him, "Are you sincere Sir," He said that he is glad to all - Gandhi's preachings. So even Government servants need not fear to wear Khadi.

Then he recited some songs as usual, composed by him and concluded his speech.

Mr. T. T. Sharma.

Gentlemen:- Let us discuss for a while, the reason for Mahathmaji's taking so much trouble at his old age. He has become very famous all over the world. No whatever creed and colour the people may belong, they have stated that Mahathmaji is the greatest teacher. There are no different opinions about this. I shall give only one illustration to this and close my speech.

In America there are many churches as it is here and in England of all these, there is one big church to which Rev. Homes is the religious priest. He is the head of all the churches. This Rev. Homes, one day preaching to his people dealt about the adverse conditions in India. He said that Mahathmaji is the greatest man and his weapon is non-violence. He was a millionaire. He was greater than the Viceroy himself in status. Now he has left everything and is fighting for Dharma, Santhi and Ahimsee. He wants the people to be happy. He says he wants Dwarajya and also says that he does not want if there is injustice in any manner. I cannot compare him to any body in the world, but I can say he is equal to our Lord Jesus Christ. He has been undergoing all miseries in the same way as Jesus was troubles and in the end crucified. He will always be smiling. He is the living God. You can see him in one of the corners of Errawada Jail, Bombay Presidency in India. You can find in him all the good qualities that Jesus had. He is a world teacher. This is not all Rev. Homes said about Gandhiji. He said something more. But I do not like to mention all that here. Just as you worship Saligrama and Linga, which are the sacred things to you, you should worship him. In the end Rev. Homes saying all this took a Gandhi cap and put the same on his head and said that this cap should be worshipped like a "Gospel". When these people respect him so much, you should not be quiet. Compare this agitation to Mahabharatha and take part in the present war under the leadership of this great living God. If you fail to do so and loose this chance, you will be cursed by your children and grand-children. Put on Khadi at once and boycott foreign clothes. I swear the repressive policy will be defeated. --lady

At this time, a lady burnt the heap of furcaps and few old clothes.

Then the President requested all the audience to wear Khadi and become volunteers and the meeting terminated.

M. Subbaraya Sanyal
Clerk, Office of the
Superintendent of Police,
Bangalore City and Taluk.

8-6-1930.

[Signature]
9/6/30.

CONFIDENTIAL & IMMEDIATE.

A. K. SYED TAJ PEERAN. B.A.
Deputy Commissioner

DEPUTY COMMISSIONER'S OFFICE
BANGALORE.

Dated 17th Aug. 1930

D. O. C. 57/30-31
Enc. ~~one~~ Two

DEWAN'S OFFICE
22. AUG. 1930

963

Dear Sir,

cord.]

I send herein enclosed for favour of your kind information a copy of my confidential letter No. C. 57/30-31 of today's date addressed to the Registrar, the Hon'ble the High Court of Mysore in the matter of taking disciplinary action under - Section 13 of the Legal Practitioners Act against Mr. K. T. Bhashyam Iyengar, Practising Advocate of the High Court of Mysore and to request you that - the Government Advocate may kindly be instructed to support the application.

Yours sincerely,

P. Mahadeviah

P. Mahadeviah, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Law Department,
Bangalore.

This is the procedure followed in the High Courts in the cases referred to by the Hon'ble Mr. Justice. only it is the Hon'ble Justice who has made the reference to the H.C. & there is nothing to prevent the Hon'ble Mr. Justice from acting similarly.

No G. A. required as G. O. But as G. O. does not seem to be proper as it is desirable that Govt. should stand aloof in such cases.

If approved, a copy of this will be sent to the Hon'ble Mr. Justice Advocate as a request to take necessary action. D. M. 18/8

A B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

20/8

3rd member through Chief Secy

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

No: 431 Dated 22-8-30.

To the ^P Govt: Amrohat, Bangalore

N R — Should routine notes be written on small slips,
the notes must be copied, or slips pasted on
this form

In reply please refer to
No. 158
Tel. Address
"JURIST." Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore 3rd September 1930

CB 842

FROM

M. RAMACHANDRA RAO, Esq., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE
BANGALORE.



To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore.

SIR,

With reference to your D. O. letter No. 451/P, dated the 22nd August 1930. I have the honor to forward herewith for the information of Government, (and return), the duplicate copy of the notice served on me by the High Court in C. P. No. 13 of 1930-31/Application under the Legal Practitioners' Regulation, on their file (Government Vs. Mr. K. T. Bhashyam Iyengar) posting the case for hearing to the 10th October 1930.

I have the honor to be,
Sir,
Your most obedient servant,

Ramachandra Rao
Government Advocate.

D.H.

19

In pursuance

D.H.

18th Member

through Chief Secy

nu
4/9/30

What is this about?
Please let me see the
previous papers - copy
578

The papers are in v. 10.

The D.C. maps addressed the Ref^y, # et.
to place the materials for their considⁿ,
and sent a copy of it to Epw^l - H. 7

the g^o was examined in consultation
with the Ep. A. & the Chief Secy.

The Ep. A. required a C. O. for taking
action. But it was considered prob.
desirable to issue a C. O. Under the
orders of the 3rd member & Dewar, a Com^{pl}
d^x C. O. was sent to the Ep. A. requesting him
to take the action.

This has resulted in the H. C. A. issuing
a notice under the A. P. Ref^y, and the
Ep. A. will appear in support of the notice
on the date of H. 1. This is quite in accordance
with the procedure followed by the H. C. A. in B. A. A.

Kindly note is also invited to the
notice given by the 2nd member in connection
with the objectionable speech of the same
lawyer

18th Member

P. M.
8/9
Thanky
C. A.
To

Serial
No.Secy's order
"Isme"

Draft & fair to G.A. calling for a
report put up
D.R.

mp
1874

Letter no: 488/p. Dated 18. 11. 30
to the G.A. enquiring the stage at
which case stands.

Letter no: 329 Dated 19th Nov^r stating
that the case stands posted to
24th inst^t as at present known —

a/o. Letter no: 24 dated 26th Nov^r forwarding copy
of order passed by the High Ct on 24th Nov^r.

D.O. letter no: 26 of 28th Nov^r from the Govt for
forwarding copy of the W.S. filed by M. K. T.
Bhashyam.

D.O. letter no: 29 of 3rd Dec^r from G.A. stating
that Mr Bhashyam filed a supplemental
Statement on 2nd & that the Court have
reserved orders —

D.O. letter no: 35 dated 12th Dec^r, from G.A.
stating that the Court has passed orders
that in view of observations made
therein no further action is necessary.

Please call for a copy

File No.

of 1931

General and Revenue
Secretariat

of the order SD P.M. 12/12

Draft put up

me J.S. 12/12
12/12

Issued 501/p 8/12/30

DEWAND OFFICE
9702
12 JAN. 1931

Letter No. 427 dated 5th January 1931
from the Govt Advocate forwarding
copy of the order passed by the Full
Bench of the High Court in the reference under the
Legal Practitioners Act
made by the District Magistrate, Bangalore
regarding the conduct of Mr.
T. Dhasgiam Deyar, Advocate

Submitted for perusal.

Chief Secy.

me 8/1

CHIEF SECRETARY
8 JAN. 1931

Second Member

me

Deewan

9/1/31

OFFICE
SECOND MEMBER
9 JAN. 31
No. 6108

me 9/1

me 10/1/31

me 10/1

me 13-1-31

SD
15/10
All the papers in this file
are to be closed in the
110. 10. 10. 10.

CONFIDENTIAL & IMMEDIATE.

No. *ce. 57/30.31*.

Office of the District Magistrate,
Bangalore District,
Bangalore, dated the 17th August 1930.

From

A. K. Syed Taj Peeran, Esq., B.A.,
District Magistrate, Bangalore District,
Bangalore,

To

H. M. Krishnaswami, Esq., B.A., B.L.,
Registrar, the Hon^{ble} the High Court
of Mysore,
Bangalore.

Sir,

I have the honour to submit the following to the Hon^{ble} the High Court with a view that the High Court will be pleased to exercise the disciplinary powers vested in it under Section 13 of the Legal Practitioners Act Against Mr. K. T. Bhashyam Iyengar, - Practising Advocate of the High Court and the Subordinate Courts thereto. He has delivered several public Speeches both under his own Presidency and under the presidency of others in the Bangalore City from 2-5-30 to 16-8-30 (extracts of which are enclosed herewith) inciting the public into hatred and contempt^{of} the Government^s established by law both in Mysore and in British India, exhorting the public to disobey the executive orders of Government and of the Magistrates issued under Section 144 C.P.C., prohibiting meetings, instigating School boys to strike and join the Civil Disobedience Movement and exhorting Lawyers, merchants and students to observe Hartals as a protest against the arrest of Messrs Pundit Madan Mohan Malvia, Vallabhai Patel and others in Bombay. The recent strikes of students and the uneasiness of the student population in Bangalore City can be ascribed to these e hortations. In the meeting held on 11-5-30 he has suggested that a " No Tax Campaign " should be started at Ankola. All these speeches in my opinion tend to impece, - obstruct or prevent the administration of Law or to destroy the confidence of the people in such Administration and any attempt on the part of an Advocate to obstruct the Administration of the Justice

by a resort to any form of devise constitutes ground for disbarment or suspension.

2. It is quite clear that so long as a man professes - views of this kind and advises the people to act in that way, ^{he} is not a fit person to be entrusted ^{with} a part of the Administration of justice in the Courts of the Mysore State and I am quite clear that the - making of these speeches is such conduct as would subject him to the disciplinary action of the High Court. While I think that the - Courts will always uphold the liberty of a subject in thought or speech, it seems to be illogical that a man who is to be treated as a part of the machinery for the maintenance of Law and Order in the body politic and to take an active part in administering for the other subjects of His Highness, the benefits that may be supposed to result from the upkeep of law and order, should, in the same - capacity, say that law and order should be disobeyed that taxes are not to be paid and that Civil Dis-obedience should be started etc. It is undesirable that Advocates and Lawyers should find themselves involved in this conflict of duty. There is the danger of their - example being followed by persons who do not possess high moral - character, love for truth and abhorrence of all ideas of violence to life. It is a sound principle that those who live by the ~~law~~ law should keep the law.

3. I am of opinion that the cumulative effect of these speeches will surely lead to the breach of the peace and contempt for law and authority. The experience in other parts of India and in this very place will amply support this view.

4. In this connection I would invite reference to the - decisions of various High Court and of the Privy Council which are noted below.-

1. A.I.R. 1922 Privy Council - P 351.
2. A.I.R. 1922 Calcutta P 515
3. ~~A.I.R.~~ 1924 Madras P 160
4. A.I.R. 1924 Madras (Full bench decision)
5. A.I.R. 1924 Madras P 479.
6. The Indian Law Reports - Bombay Series- Vol. 44-1920-P.430.

5. It is painful for me to bring this conduct of Mr. K.T. Bhasham Iyengar to the Notice of the High Court, but I am of - opinion that he is unfit to practice until he gives up indulging in

in such speeches.

I have the honour to be
Sir,
Your most obedient servant,

Sd/- A. K. Syed Taj Peeran.

District Magistrate,
Bangalore District.

SRD/17-8-30.

" C o p y "



District Magistrate,
Bangalore District.

Brief notes of the political activities of Mr. K.T. Bhashyam Iyengar called out from his speeches delivered in public meetings, in the Bangalore City.

2-5-1930. Mr. K. T. Bhashyam addressed a public meeting held in the Dharmabhudhi tank on the 2nd May 1930 under the Chairmanship of Mr. D.V. Gundappa. In the course of his address, he exhorted the audience thus:-

Particularly one more point I want to emphasise on you is this i.e., from tomorrow or the day after, or after two or three days hence the Government or the Magistrates or the Police may prohibit from holding these meetings and there is every sign of their doing so. If they prohibit from holding these meetings from tomorrow, I would request you not to fear for them and see that meetings are conducted every day without caring for that prohibitory order. I emphasise you once again to hold meetings like this, even though they are prohibited from doing so without caring for that interference. From that moment alone, you start disobedience. Don't care for the Government. You start Sathyagraha. You must know that I am going to perform this Sathyagraha, whereas you will have the opportunity of doing the same at your own homes.

5-6-1930 2. On 5-6-1930 addressing a public meeting held in the Gandhi Maidan under his own Presidentship, Mr. K. T. Bhashyam Iyengar spoke as under:-

" If you respect Mahatmaji and act according to his simple instructions, viz., wearing khadi, picketting foreign cloths and liquor shops, you will save all this amount. We have no responsible Government. Here in our Government if we say anything in Assemblies, the reply we get is, " I disallow that question in the interest of the public". In fact they do not know what public interests are. They do not ask even the public opinion but say like this. Such pretensions and irregularities are not known to our villagers. The Dewan Sahib and Councillors go to Villages and ask them (ಮುಖ್ಯವಾಗಿ ಅಮಿಲ್ದಾರ್ ಮತ್ತು ಸಚಿವರು). That is all. The Villagers will be satisfied and they will say " see our Amildar never entered into the temple or Chavadi, but the Dewan Sahib and Councillors entered and said that this should be white washed. They are very interested about our welfare.

They are very good officers. This is how the things are going on. This kind of Government is not good Government. " All should fight for responsible Government. We should all defy the orders to prevent the conduct of processions and meetings. This has already commenced in out State. Section 144 has already been brought into force in Mysore City. We shall see what happens. We may also expect the same here very shortly. Then you should all defy Section 144. You should be bold. Then you will get Svarajya. You should not say you will do so till the Police come. Let us see what you will do. There is a proverb (ಒಳ್ಳೆಯದು ಮಾಡುವೆವೆನಕೂಡಲೆ). If they say section 144, you should all be here. You should not be quiet at any cost. In the interest of your own you should not fear. You must encourage every man in this. There is good in this. You will be enthusiastic. You should not sleep. The Villagers should be enlightened on this point and they should be told to urge for the immediate grant of self Government. There might come a time, when the villagers will have to be told to ~~urge for the immediate grant~~ about the non-payment of the taxes even etc., etc.

11-5-1930. 3. Mr. K. T. Bhashyam addressed a meeting held in the compound of Mr. C. V. Narasimha Iyenger's Bungalow under the Presidency of Mr. Chama Rao. In the course of his address he said as follows:-

" The next thing we have to do in Ankola Taluk, is that all the toddy trees should be cut off. We want also to declare " No-Tax Campaign ". This we hope will be very successful because there is unity among the public There might come a day when Satyagraha will have to be declared here also &c &c.

22-6-1930. 4. On 22-6-1930 Mr. K. T. Bhashyam addressed a public meeting held in the Dharmambhudi tank bed under the Presidency of Mr. C. V. Narasimha Iyenger, in the course of which he stated as under:-

" Mahatmaji has already said that the students should leave their schools in obedience to which we have to ask the students to leave their school and go on strike &c &c".

3-8-1930. 5. On 3-8-1930 Mr. K. T. Bhashyam addressing a public meeting in Dharmambhudi tank under his own Presidentship spoke as under:-

" As already ordered by our leaders and as per decisions of the

of the All India Congress Committee, you students of Schools and Colleges must give up your studies for the present and join the agitation. There is nothing more expected of you, &c &c." He also said that one Mr. Doraswami Mudaliar, a merchant in Civil and Military Station ^{has been} issued a notice by the Resident to leave the C&M Station and not to stay anywhere in its borders and the time allowed to him expires on next Wednesday. xxx xxx xxx

xxx have
We now have a best chance in helping Mr. Mudaliar not to leave C. & M. Station limits. Mr. Mudaliar does not leave C. & M. Station and ~~he~~ is prepared to defy the orders. Hitherto we had no such a chance of the kind. I do not know whether 4 people would join us; 40 people would join or any greater number still. I have no idea. I cannot say now as to what would be our exact duties. They may charge Mr. Mudaliar with lathies. It is quite likely, or they may arrest him. If you support, I am prepared to take his place there and work up the cause. I request you to kindly consider this important matter and let us know on 5-8-1930 in the same place when we will be meeting again. I shall also discuss with the prominent men in the City and tell you about their opinion &c. &c." " At the conclusion of the meeting he said that by Hartal he meant that it should be a peaceful demonstration. The students on the 5th instant should stay away from going to their classes and all the merchants and Lawyers should observe hartal etc.

16-8-1930. 6. On 16-8-1930 addressing a public meeting held in Mr. C. V. Narasimha Iyengar's Bungalow under the Chairmanship of Mr. V.S. Sanjiva Rao, Mr. K. T. Bhashyam Iyengar spoke as under:-

Next Mr. K. T. Bhashyam addressed the gathering. He advised the students to join the Sath agraha movement by discontinuing their studies for a year or two. As an example he stated that Lord Birkenhead and other great men have failed so many ~~in~~ times in the Examinations and still they are famous. So if they leave off their studies for some time that period may be treated as the year of failure. He exhorted them to go to him privately if they are willing to join the Sathyagraha movement and give their names and addresses.

21-10/8/30.

----- Extract
Attest
District Magistrate

STRICTLY CONFIDENTIAL.

Dear Sir,

I am directed to forward herewith
a copy of the letter No.C.C.57 of 30-31
of 17th August 1930 addressed to the Re-
gistrar, High Court of Mysore, together
with ^{a copy of the} brief note regarding the political
activities of Mr. K.T.Bhasyam Iyengar, and
to request you to ^{kindly} take necessary action
in the matter. ^{immediately.} ~~The Government may kindly~~
~~be kept informed of the further progress~~
~~of the case. No action taken may~~
~~be reported to Govt. for information~~
Yours sincerely,

hr

*2/9/31
2/9/31
hr*

To

M.Ramachandra Rao, Esq., B.A., B.L.,
Government Advocate in Mysore,
Bangalore.

C. C. Serial No 3.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Appeal No. 13 of 1923-23-0

Appellant.

Respondent

Vs.



The Govt. Advocate.

Please

Take notice that the above case has been posted for hearing on date

the 13th day of October 1923

Dated 2-9-1923

M. S. W. S. W.
Dy. Registrar.

WD 01565—GPB—4000—26-5-25

End to GA's letter
13930

1488
P

98

18th Nov. 1930.

The Government Advocate,
BANGALORE.

With reference to your letter No.158 dated 3rd September 1930, intimating that C.P.13 of 30-31 (Government vs. Mr. K.T.Bhasyam Iyengar) an application under the Legal Practitioners' Regulation, was posted to 13th October 1930, I am directed to request you to report for the information of Government at what stage the case stands at present.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. P. M.

Secretary to Government,
Law Department.

In reply please refer to
No. 322

Tel. Address:—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore... 19th November... 1930.

FROM

19/11/30

M. RAMACHANDRA RAO, Esq., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

The Secretary to the Government
of H. H. The Maharaja of Mysore,
Law Department, Bangalore.

SIR,

With reference to your letter No. 488/P. dated the
18th November 1930, I have the honor to state that C. P. No.13
of 1930-31 (Government of Mysore, VS. Mr. K. T. Bhashyam Iyen-
gar) on the file of the High Court of Mysore, was not heard on
the 13th October 1930 as was expected. It now stands posted
for hearing to the 24th instant, as at present known.

I have the honor to be,

Sir,

Your most obedient servant,

M. Ramachandra Rao
Government Advocate.

H.

M. RAMACHANDRA RAO, Esq., B.A., B.L.,
Government Advocate.

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,

D. O. No. 24

Bangalore, 26th Nov. 1930.

Enc. 2

Dear Sir,

File 100
27/11/30
Re: Mr. K. T. Bhashyam Iyengar

I enclose herewith, for the information of Government, a copy of the order passed by the High Court of Mysore on the 24th instant, in Civil Petition No. 13 of 1930-31, (against Mr. K. T. - Bhashyam Iyengar).

Yours sincerely,

M. Ramachandra Rao

P. Mahadevayya, Esq., B.A., B.L.,
Secretary to Government,
Law Department, Bangalore.

Civil Petition No. 13 of 1930-31.

O r d e r.

The question has come before us on a reference made by the District Magistrate of Bangalore with his letter of reference. He has forwarded extracts of six speeches alleged to have been delivered by the Advocate in question on various occasions. A copy of reference as well as the extracts of speeches appended thereto have been furnished to the applicant. Before proceeding with the matter, we have considered it desirable to fix up the procedure that should be adopted. Under section 13 B of the Legal Practitioners' Regulation the High Court can only deal with a Legal Practitioner after such enquiry as it thinks fit. With a view to fix up the procedure for making the enquiry, we called upon the Government Advocate, who appears to support the reference, to formulate, in the form of charges, what particular passages in the ^{various} ~~from~~ ~~of~~ speeches that he relied upon as containing matter which, if true, would bring the Advocate within the four corners of section 13 B. In doing so, we decided to accept this reference as one made by the District Magistrate, not in his capacity as a court subordinate to this Court, but as one who had brought the matter to our notice, with a view to our taking action under section 13 B. In the speeches referred to in the reference, the following passages have been cited by the learned Government Advocate as those on which he would rely.

In regard to the first speech alleged to have been delivered on 2-5-1930, he relied upon two passages, and

they

2.

they are these:-

- (1). "I would request you not to fear for them (the authorities that may prohibit him) and see that meetings are conducted every day without ~~x~~ caring for that prohibitory order".
- (2). "From that moment alone, (from the moment of ^{the} issue of the prohibitory order) you start disobedience. Don't care for the Government. - You start Sathyagraha".

In the second speech dated 5-6-1930, the passages -- relied on are:-

- (1). "We should all defy the orders to prevent the conduct of processions and meetings".
- (2). "Then (after Section 144 is brought into force in Bangalore City), you should all defy section 144".
- (3). "There might come a time, when the villagers - will have to be told about the non-payment of the taxes even, etc., etc.,".

In the third speech of the 11th May 1930, one passage is replied upon and that is,

"We want also to declare 'No Tax Campaign'. This is stated by the Government Advocate to refer to Mysore".

In the 4th speech it is admitted that there is nothing which the Advocate should be called upon to answer.

In the 5th speech the following passages are relied upon:-

- (1) "Mr. Mudaliar does not leave C. & M. Station and

he is prepared to defy the orders. Hitherto we had not such a chance of the kind. I do not know whether 4 people would join us, 40 people would join or any greater number still. I have no idea. I cannot say now as to what would be our exact duties. They may charge Mr. Mudaliar with lathies. It is quite likely, or they may arrest him. If you support, I am prepared to take his place there and work up the cause. I request you to kindly consider this important matter and let ^{us} ~~me~~ know on 5-8-1930 in the same place when^e we will be meeting again".

- (2). "The Students on the 5th instant (5-8-1930) should stay away from going to their classes and all the merchants and lawyers should observe ~~hastai~~ ^{hastai} etc."

In the sixth speech there is only one passage that is relied upon and it is this:-

"He, (Mr. K. T. Bhashyam Iyengar) exhorted them to go to him privately if they are willing to join the Sathyagraha movement and give their names and addresses".

The procedure that we propose to adopt in the matter is that a copy of the passages extracted above should be furnished to the advocate concerned in order to enable him to file a reply to the several allegations contained therein. On the receipt of his written explanation, a copy of which should, beforehand be furnished to the Government Advocate, a reply would be filed if necessary by the Government Advocate. A copy of the Government Advocate's reply will be furnished beforehand to the Advocate. When the pleading,

4.

pleading, if we may so describe them, are ready, we shall after hearing the advocates on both sides, decide, if in our opinion, an enquiry is necessary, as to whether it - should be done ~~xx~~ by us or by any subordinate court. The case will stand over for that purpose till 28th instant.

When it was indicated to Mr. C. V. Narasimha Iyengar, the learned Counsel for the Advocate concerned, that the above procedure would be adopted, he suggested that - copies of the entire speeches, of which extracts only had been filed, might be furnished to him, before he was called upon to give his explanation, but we thought that it was not necessary to do so, at any rate, at the present stage.

Sd/- C. S. Doraswami Iyer,
CHIEF JUSTICE.

Sd/- D. K. Rama Rao,
JUDGE.

Sd/- G. Sreenivasa Iyer,
JUDGE.

Copy.

M. Annachandra Rao

Government Advocate.

H.

M. RAMACHANDRA RAO, Esq., B.A., B.L.,
Government Advocate.

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,

D. O. No. 24

Bangalore, 28th Nov., 1930.

Dear Sir,

I enclose for the information of Government a copy of the written statement filed by Mr.K.T.Bhashyam Iyengar in Civil Petition No. 13 of 1930-31 which came on for further hearing before the Full Bench to-day. As the District Magistrate is absent from station, I was unable to take further instructions from him for drafting a rejoinder. The High Court has, however, granted time for the purpose until Monday the 1st December 1930.

I therefore request you to kindly send urgent intimation to the District Magistrate so that he may meet me as early as possible for doing the needful in the matter.

Yours sincerely,

Sh. Ramachandra Rao.

P. Mahadevayya, Esq., B.A., B.L.,
Secretary to Government,
Law Department,
BANGALORE.

In the High Court of Mysore at Bangalore.

Civil Petition No. 13 of 30-31.

PETITIONER.

District Magistrate
of Bangalore.

OPPONENT.

Mr. K.T. Bhashyam
Iyengar.

-Vs-

The opponent begs to file the following statement in answer to the charges formulated against him:--

1. The opponent admits having been one of the speakers at the several meetings mentioned in the extracts. The dates of the meetings are also probably correct. The opponent, however, did not address any meeting under the presidentship of Mr. C. V. Narasimha Iyengar or in his bungalow.

2. The passages and ideas attributed to the opponent, are stray, disjointed, misleading and untrue. The language of the extracts is not that of the opponent. He has been speaking in English, Kannada and Tamil. The opponent has not expressed words and ideas intended or likely to lead to a breach of the peace or to bring the Government or the Administration of Law into contempt.

3. The first four passages, which bear reference to the prohibitory orders under Section 144 Criminal Procedure Code, are incorrect and
misleading

misleading as they stand. The Police in Bangalore City and other parts of the State, secured a -- succession of prohibitory orders of an executive nature, which the opponent, in common with the rest of the public, felt to be unjustifiable interferences with the fundamental rights of citizenship. The general resentment against these executive encroachments on ordinary liberties of the subject, was of such intensity that the opponent realised the necessity, on one or two occasions, to counsel wisdom to a despairing section of the public and to tell them that the only way to save their -- feeling was through the Law Court, if they could peacefully disobey these illegal orders. Far from bringing the Administration of Law into contempt, the opponent called upon the people to have faith in the Courts of Law as the only bulwark against executive highhandedness.

The allegations that the opponent attempted to rouse a spirit of disobedience to all and sundry orders of the executive, whether legal or illegal, is absolutely false. It is equally false that he used such expressions as "Don't care for the Government" or the like.

4. Passages 5 and 6. The opponent denies having ever advocated nonpayment of taxes in Mysore. As against passage No.5, the opponent distinctly remembers telling his audience that encroachments by the executive on the liberties of citizenship would be rendered impossible if a
system

system of responsible Government were established whereby the executive would be answerable to the people, that the demand for such responsible Government should come not only from those in towns but from villagers as well and that therefore the latter should be equally educated so as to put forward a demand for responsible Government. The opponent insisted on healthy political education of all people and the establishment of responsible Government thereby as the true remedy against the evils of the kind witnessed at present in British India.

5. Passage No.7, grossly misrepresents what the opponent said regarding the activities of Mr. Doraswami Mudaliar. This gentleman is a temperance worker. His activities in that direction, affecting the Excise, Revenue, came to be resented by the authorities. The opponent, who is in full sympathy with the temperance movement expressed his readiness to continue Mr. Mudaliar's temperance programme or "cause" if it so become necessary.

6. Passage No.8. The opponent has honestly believed that the observance of a peaceful hartal is an inoffensive, yet effective expression of public opinion on any question. He had not however preached or practised cessation of work in the Law Courts on a hartal day.

7. Passage No.9. It is true that the opponent has exhorted the students to join the

Satyagraha

Satyagraha movement in so far as they could - participate in it; that he has repeatedly called upon them to wear Khadder, boycott foreign cloth, help the poor in eradicating the drink evil and otherwise contribute their services for the - national regeneration of the country. He has never countenanced privacy in matters of public work and has always been open and definite in his views. He believes that the only hope of the country's freedom and progress lies in the -- realisation, by the young men and women now in Schools and Colleges, of a higher sense of patriotism and self sacrifice in the cause of the - country. With this view he has exhorted the - students to think more intensely of the motherland and develop a passionate desire to serve the people.

8. The opponent submits that he has not violated, nor ever intended to violate, the provisions of the Legal Practitioners' Regulation and that he has always acted in accordance with the highest principles and traditions of the profession to which he has the honor to belong.

Bangalore.
27th November 1930.

Sd/- K.T. Bhashyam Iyengar.
Advocate.

"C o p y"

Mr. Nannachand Rao
Government Advocate.

M. RAMACHANDRA RAO, Esq., B.A., B.L.,
Government Advocate.

GOVERNMENT ADVOCATE'S CHAMBERS,

PUBLIC OFFICES,

D. O. No. 29

Bangalore, ... 3rd Dec. 1930 -

Dear Sir,

In the matter of C. P. No. 13 of 1930-31
on the file of the High Court of -
Mysore (Government of Mysore Versus.
Mr. K. T. Bhashyam Iyengar).

I write to inform you that the opponent in
the above petition filed a supplemental statement
yesterday before the High Court and that the Court
reserved its orders.

Yours sincerely,

M. Ramachandra Rao

P. Mahadevayya, Esq., B.A., B.L.,
Secretary to Government, Law Deptt.,
Bangalore.

IN THE HIGH COURT OF MYSORE, BANGALORE.

C.P.13 of 30-31.

Petitioner. The District Magistrate, Bangalore.

Opponent. Mr. K.T.Bhasyam Iyengar.

Opponent's supplemental Statement.

The opponent^{he} begs to assure this Honourable Court that he never intended to convey the sense imputed to the words which he used and he regrets that the words should have been understood in a sense different from that which he intended to convey.

(Sd) K.T.Bhasyam Iyengar.

1-12-1930.

23

M. RAMACHANDRA RAO, Esq., B.A., B.L.,
Government Advocate.

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,

D. O. No. 35

Bangalore, 12th Dec. 1930

Dear Sir,

Re: C. P. No. 13 of 1930-31 on the file of
the High Court of Mysore. (Dt. Magistt.,
Bangalore, VS. Mr. K. T. Bhashyam Iyen-
gar).

*Pharo call
for a copy of*

the order.

P. M.

I write to inform you that the order in the
above case was pronounced to-day, stating that, in -
view of certain observations made in the course of
the order. no further action was necessary. The
concluding portion of the order runs thus:

"From his own averments in his written statement
it would seem that he advised disobedience of -
magisterial orders on one or two occasions, and
exhorted the students to join the Satyagraha -
movement. Conduct such as this would prima -
facie attract the application of principles in-
dicated above, especially in Mysore, as set out
in the Chief Court's Order of 1889, already re-
ferred to. In view, however, of the Advocate's
assurance that he never intended to convey the
sense imputed to the words which he used and of
the regret he has expressed, should these words
have been understood in a sense different from
that which he intended to convey, we do not con-
sider that any further action is necessary in -
this case".

Yours sincerely,

M. Ramachandra Rao

P. Mahadevayya, Esq., B.A., B.L.,
Secy. to Govt., Law Deptt., Bangalore.

24
12th Dec. 30.

Dear Sir,

Re: C.P.No.13 of 1930-31 on the file of
the High Court of Mysore, (Dt. Magistrate
of Bangalore, vs. Mr. K.T.Bhasyam
Iyengar)

and forward
Your D.O.No.35 of even date. Please obtain
a copy of the order passed by the ^{High} Court in the
above case for the information of Government

Yours sincerely,

P. M.

To

M.Ramachandara Rao, Esq., B.A., B.L.,
Government Advocate, Bangalore.

3345550 u

In reply please refer to No.....127..... Tel. Address..... "JURIST," Bangalore.
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OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore.....7th.....January.....1931..

847.
Law 9635-1

FROM

M. RAMACHANDRA RAO, ESQ., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

TO

The Secretary to the Government
of H.H. The Maharaja of Mysore,
Law Department, BANGALORE.

SIR,

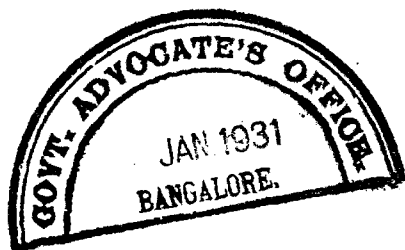
In continuation of my D. O. letter No. 35 dated the 12th December 1930, I have the honor to forward herewith, for the information of Government, a copy of the Order passed in Criminal Revision Petition No. 13 of 1930-31 on the file of the High Court of Mysore, (The District Magistrate, Bangalore Distt. VS. Mr. K. T. Bhashyam Iyengar).

I have the honor to be,
Sir,
Your most obedient servant,

M. Ramachandra Rao

Government Advocate.

CSN.



IN THE HIGH COURT OF HYDRE AB ENGLAND.

Friday the 12th day of December 1930.

PRESENT

RAJ. CHARLES AVINA

C. IYER, CHIEF JUSTICE,

R. J. IYER

and

A. JUSTICE C. IYER.

Civil Petition No.13 of 1930-31.

In the matter of a reference under Section 13 of the Mysore Legal Practitioners Regulation, made by the District Magistrate of Bangalore (received with his No.C.C.57/30-31 dated 17th August 1930) bringing to notice of this Court the conduct of Mr. K. T. Bhaskaran Iyengar, advocate in delivering public speeches between 2-5-1930 and 16-8-1930 calculated to incite the public into hatred and contempt of Governments established by law both in Mysore and British India and submitting the papers for such action as this Court may deem fit to take in the matter.

Heard: Mr. M. Ramachandra Rao,
Government Advocate for
Government.
~~Heard: S.V. Narasimhaiah~~
and other for opponent.

O R D E R.

The District Magistrate of Bangalore has brought to the notice of this Court, the implications and tendencies of certain speeches alleged to have been made by Mr. M. R. Bhatnagar, an advocate of this Court, at public meetings in Bangalore between 2nd May to 10th August 1930, with a view to disciplinary action being taken against him, under the Legal Practitioners Regulation. It is pointed out in the reference that these speeches were calculated to incite the public into hatred and contempt of the Government, established by law in Mysore, and in British India, to lead to disobedience of orders issued under Section 144 Criminal Procedure Code prohibiting processions and meetings, to advocate non-payment of taxes, to instigate students to cease attending schools and join the Satyagraha movement, and to induce merchants and lawyers to express sympathy with that movement by observing hartal. Extracts from the speeches in question have been furnished, and it is urged that the speeches will lead to the breach of the peace, and contempt for law and authority. The Government Advocate, who appeared to support the reference, has specified the passages in the speeches, which are set out in our preliminary order of the 20th November, as containing matter, which if enquired into, would bring the advocate within the scope of Section 13(B) of the Regulation.

The Advocate has submitted an explanation traversing the correctness of the statements imputed to him. He states that he was speaking in English, Kannada and Tamil, and did not employ the language appearing in the extracts. He denies having advocated non-payment of taxes in Mysore, or having expressed words or ideas, intended or likely to lead to a breach of the peace, or to bring the Government or the administration of law into contempt. He admits, however, having advised the public on one or two occasions to peacefully disobey the prohibitory orders of the magistracy issued under Section 144, Criminal Procedure Code, which he along with others considered to be an unjustifiable interference with the fundamental rights of citizenship. He also avows his belief in the observance of a peaceful hartal, as an inoffensive, yet effective, expression of public opinion on any question, and admits having exhorted the students to join the Satyagraha movement.

The principles that should be borne in mind in these cases have been well established. A high Court in the exercise of its powers of disciplinary jurisdiction over the advocates or pleaders enrolled by it, is not restricted to taking cognizance of merely acts of professional misconduct, such as are expressly specified in the Legal Practitioners' Regulation. In dealing with the conduct of an advocate in Mysore in the year 1889 for having advised certain shopkeepers to close their shops as a protest against the contemplated imposition of a system of license taxes, the Chief Court in reproving

the Advocate observed as follows:-

"We wish it to be distinctly understood by you, and by all the advocates of this court, that we consider ourselves to a great extent responsible to Government for the conduct of the advocates we enroll. We do not feel ourselves restricted, in our dealings with advocates, to taking cognisance of acts of professional misconduct, such as are contemplated by the Legal Practitioners's Act. We consider that we, as the authority which enrolls the advocates, have full power to disenrol any advocate who, in our opinion, has proved guilty of conduct which is discreditable to his position as an advocate. We are of opinion that you have by your action, in the late strike, rendered ~~yourself~~ yourself to be disenrolled.

Our enrolment of you, as an advocate of the Chief Court conferred on you certain privileges, and a certain status and position, which you would not otherwise enjoy.

We warn you, and we warn all the advocates of our court, that we shall exercise the most strict and watchful supervision of their conduct. We, as I have said, consider ourselves responsible to His Highness' Government, for the character and conduct of the advocates of the Chief Court whom we enroll and we shall not in future hesitate to disenrol any advocate, whom we consider to have been proved guilty of conduct unbecoming his position as an advocate".

In British India also, the Privy Council has held in L.A.R. 49 Cal.845, that the words "any other reasonable cause" in Section 15 (f) of the Legal Practitioners' Act, are wide enough to ~~some~~ include acts other than those done in a professional capacity. In that case, a pleader in the Central Provinces publicly urged an organized resistance to the payment of a certain tax, and his ~~Sanad~~ was cancelled. Their Lordships of the Privy Council held that in doing so the Court had acted within its discretionary powers. In 49 Cal.732 at 804, Lookerjee J. expressed the view that amongst various types of misconduct there is none more reprehensible than such conduct as tends to impeach, obstruct, or prevent, the administration ~~and~~ of the law, or to destroy the confidence of the people in such administration; and any attempt on the part of the pleader to obstruct the administration of ~~justice~~ justice by resort to any form of device constitutes grounds for disbarment or suspension. Although a legal practitioner, as any other person, has a right to entertain political opinions which may or may not be acceptable to the authorities, yet, if he acts, inconsistently with the position which he has obtained by virtue of the ~~Sanad~~ grantee to him, he abuses it and brings himself within the four corners of the Regulation (See L.A.R. 1928 Cal. 853). A similar view was expressed by the Bombay High Court in 54 L.C. 679. In that case one of the pleaders contended that it was an inherent right of a citizen to protest against

what he considered to be a retrograde legislation, by constitutional methods, and that he merely acted under that bona fide belief. In dealing with his plea, Heaton J. pointed out "that professional lawyers belong to a privileged class, and they enjoy their privileges with the consent of the courts. But just as they enjoy special privileges, so they are under peculiar obligations. Moreover this Court is under special obligations in regard to them. Just as it licenses or permits them to practise as lawyers, so it is bound to see that they do not flagrantly abuse their privilege". On this point, Macleod C.J. expressed himself thus:- "Advocates and pleaders are a privileged class, enrolled not only for the purpose of rendering assistance to the Courts in the administration of justice, but also for giving professional advice for which they are entitled to be paid, to those members of the public who require their services. Their position, training and practice give them immense influence with the public, and their example must necessarily have a much greater effect, whether for good or for evil, than the example of those who do not occupy this privileged position. It is not necessary, in order for us to be able to exercise our jurisdiction, that any offence should have been committed, nor is it necessary that what the respondents (advocates or pleaders) have done should have subjected them to anything like general infamy or imputation of bad character. * * * Their duty as

pleaders

pleaders and advocates under their mandate is to advise their clients to the best of their abilities as to what the law is, not as to what the law should be in their opinion.

very sound principle to remember is that those who live by the law, should ~~know~~ keep the law".

The purpose of the Court's jurisdiction in such cases, is not, as observed by Mr. Walter Schwabe, C.J. in 45 A.L.J. 718, in any way vindictive. Its main object is not to allow a person to practise in Courts, when he himself is counselling disobedience to the law and order enforced by the Courts: when, however, the person who may have offended in that way comes before the Court, and honestly expresses his regret, and his intention to assist the administration of justice, there is no reason why he should not be given an opportunity of showing that his intentions are as he expresses them.

In the present instance, in the absence of an enquiry, under Section 13 (D) of the Regulation, it is not possible to ascertain the exact words the advocate used, and the sentiments he expressed at the several meetings he admittedly addressed. From his own averments in his written statement, it would seem that he advised disobedience of magisterial orders on one or two occasions, and exhorted the students to join the Satyagraha movement. Conduct such as this would prima facie attract the application of

the

the principles indicated above, especially in Mysore, as set out in the Chief Court's order of 1889, already referred to. In view, however, of the advocate's assurance that he never intended to convey the sense imputed to the words which he used and of the regret he has expressed, should those words have been understood in a sense different from that which he intended to convey, we do not consider that any further action is necessary in this case.

Sd/- C. S. Doraswami Iyer
CHIEF JUSTICE.

Sd/- D. K. Rama Rao.
JUDGE.

Sd/- G. Sreevasa Iyer.
JUDGE.

acopos

M. M. M. M. M.
Deputy Registrar

GS/9.

M

In the Court of the High Court at Bangalore.

Friday the 21st day of December 1930.

Present: Mr. Justice C. P. Ramaswami Iyer.

G. C. Ramaswami Iyer, Chief Justice,

and

and

Mr. Justice C. P. Ramaswami Iyer.

Civil Petition No. 13/1930-31.

In the matter of a reference under Section 1 of the Public Legal Practitioners Regulation, made by the District Magistrate of Bangalore (received with notice No. C.P. 17/30-31 dated 27th August 1930) bringing to notice of this Court the conduct of Mr. L. V. Ramaswami Iyer, Advocate in relation to public occasions taken place on 16-8-1930 calculated to bring the public into contact and contempt of Government's prohibition by him with Indians and British India and submitting the facts for consideration of this Court and for its order in the matter.

Heard: Mr. L. V. Ramaswami Iyer,
Government Advocate for respondent.

G. C. Ramaswami Iyer for petitioner.

Findings.

The District Magistrate of Bangalore has referred to the notice of this Court, the implications and consequences of certain speech alleged to have been made by Mr. L. V. Ramaswami Iyer, Advocate of this Court, at public meetings in Bangalore between 1st of 1930 August 1930, with a view to circumventing action of the Government in relation to the Public Legal Practitioners Regulation. It is stated in the reference that these occasions were held in the public interest and contempt of the Government's prohibition by him in Bangalore and in British India, to bring the public into contact with the Government under Section 1 of the Public Legal Practitioners Regulation and to bring the public into contact with the Government.

payment of taxes, to instigate students to cease attending schools and join the Satyagraha Movement, and to induce merchants and lawyers to express sympathy with that Movement by observing hartal. Extracts from the speeches in question have been furnished, and it is urged that the speeches will lead to the breach of the peace, and contempt for law and authority. The Government Advocate, who appeared to support the reference, has specified the passages in the speeches, which are set out in our preliminary order of the 25th November, as containing matter, which if enquired into, would bring the advocate within the scope of Section 13(B) of the Regulation.

The Advocate has submitted an explanation traversing the correctness of the statements imputed to him. He stated that he was speaking in English, Kannada and Tamil and did not employ the language appearing in the extracts. He denies having advocated non-payment of taxes in Mysore, or having expressed words or ideas, intended or likely to lead to a breach of the peace, or to bring the Government or the administration of law into contempt. He admits, however, having advised the public on one or two occasions to peacefully disobey the prohibitory orders of the magistracy issued under Section 144, Criminal Procedure Code, which he along with others considered to be an unjustifiable interference with the fundamental rights of citizenship. He also avows his belief in the observance of a peaceful hartal, as an inoffensive, yet effective, expression of public opinion on any question, and admits having exhorted the students to join the Satyagraha Movement.

The principles at that should be borne in mind in these cases have been well established. A High Court in the exercise of its powers of disciplinary jurisdiction over the advocates of pleaders enrolled by it, is not restricted to the cognizance of merely acts of professional misconduct, such as are expressly specified in the Legal Practitioners' Regulation. In dealing with the conduct of an advocate in Mysore in the year 1889 for having advised certain shopkeepers to close their shops as a protest against the contemplated taxation of a

of a system of license there, the Chief Court in England is
 bound to observe the following:-

"We wish it to be distinctly understood by you,
 and by all the advocates of this Court, that we can hold our
 selves to a great extent responsible to Government for the
 conduct of the Advocates as a body. We do not feel ourselves
 restricted, in our dealings with advocates, to trying to
 conscience of acts of professional misconduct, such as are
 contemplated by the Legal Practitioners' Act. We consider that
 we, on the authority which is due to the Advocates, have full
 power to disown any advocate who, in our opinion, has proved
 guilty of conduct which is inconsistent with his position as an
 advocate. We are of opinion that you have no objection, in
 the late decision, ordered your right to be vindicated. We are
 on behalf of you, as an Advocate of the Chief Court, and
 on you certain privileges, and a certain status and position,
 which you do not elsewhere enjoy. We are of opinion that
 we can warn you, and we warn all the Advocates of our Court, that
 we shall exercise the most strict and watchful supervision
 of their conduct. We, as I have said, consider ourselves
 responsible to His Highness' Government, for the character and
 conduct of the Advocates of the Chief Court, and we shall
 we shall not hesitate to disown any advocate, who
 we consider to have been proved guilty of conduct inconsistent
 position as an Advocate."

In British India also, the Privy Council has held
 in L.L.S. 69 Cal. 645, that the words "any other economic
 cause" in Section 10(2) of the Legal Practitioners' Act,
 Act, are wide enough to include acts other than those done in
 a professional capacity. In that case, a plea of in the Court
 advanced publicly against an organized assistance to the Government
 of a certain firm, and the Council and Council. The Council
 of the Privy Council held that the Council of the
 Court has acted within its discretionary power. In Cal.
 61. 722 at 504, Lord Macleod J. has expressed the view that
 a right to sue for a breach of contract is not a right to

more reprehensible than such conduct as tends to impede, obstruct, or prevent, the administration of the law, or to destroy the confidence of the people in such administration; and any attempt on the part of the pleader to obstruct the administration of justice by resort to any form of abuse constitutes grounds for disbarment or suspension. Although a legal practitioner, as any other person, has a right to entertain political opinions which may or may not be acceptable to the authorities, & yet, if he acts, inconsistently with the position which he has obtained by virtue of the Sanad granted to him, he abuses it and brings himself within the four corners of the Regulation (See A.I.L., 1928 Cal.853). A similar view was expressed by the Bombay High Court in 54 I.C. 679. In that case one of the pleaders contended that it was an inherent right of a citizen to protest against what he considered to be a retrograde legislation, by constitutional methods, and that he merely acted under that bona fide belief. In dealing with this plea, Hutton J. pointed out "that professional lawyers belong to a privileged class, and they enjoy their privileges with the consent of the courts. But just as they enjoy special privileges, so they are under peculiar obligations. Moreover this Court is under special obligations in regard to them. Just as it licences or permits them to practise as lawyers, so it is bound to see that they do not flagrantly abuse their privilege." On this point, Macleod C.J. expressed himself thus: "Advocates and pleaders are a privileged class, enrolled not only for the purpose of rendering assistance to the Courts in the administration of justice, but also for giving professional advice for which they are entitled to be paid, to those members of the public who require their services. Their position, training and practice give them immense influence with the public, and their example must necessarily have a much greater effect, whether for good or for evil, than the example of those who do not occupy this privileged position. It is not necessary, in order for us to be able to exercise our jurisdiction, that any offences

offences should have been committed, so as to be necessary that that the respondents (advocates or lawyers) have done so and have subjected themselves to a stigma, like a criminal or a person of bad character. It is only as placed in and admitted under their hands to be subject their clients to the best of their conditions as to what the law is, not as to what the law should be in their opinion. It is a very sound principle to remember that those who live by the law, or who keep the law."

The purpose of the Bar's jurisdiction is, of course, it is not, as declared by Sir Walter Goff, C.J. in 1900 L.L.J. 718, in any way vindictive. Its main object is to allow a person to practice in courts, such as he is well to conduct, calling those lower to the law and other officers by the law; then, however, the person person may have difficulty in that they come before the court, and it really improves the law. It is an intention to protect the administration of justice, there is no reason why it should not be given an opportunity of doing so, and his intentions are to be respected then.

In the present instance, in the second of the enquiries, under section 1(1) of the regulations, it is not possible to accept in the exact form as the advocate has made, and it is not to be regarded as the several things he admittedly intended. From his own statements in his written statement, it is clear that he advised client to be of judicial order on one of the occasions, and advised client to join the integrated movement. Can it be said that this would prevent him from attracting the application of the principle indicated above, especially in regard, as set out in the Chief Justice's order of 1959, already referred to. In view, however, of the advocate's statement that he never intended to convey the same message to the client, and in view of the report in the evidence, and the fact that there has been no suggestion of any other fact from which it could be inferred to convey, it is not possible to say that he intended to convey the same message to the client in 1959.

In the Court of the High Court at Bangalore.

Friday the 12th Day of December 1930.

H E R E
B Y

RAJADHARMANIVIA

C.S. KORALLA IYER, CIL IN JUNE 13.,

vs. JUSTICE D.R. NIA. R-0

and

Mr. Justice G. Greenivase Iyer.

Civil Petition No. 13/1930-31.

In the matter of a reference under Section 11 of the Mysore Legal Practitioners Regulation, made by the District Magistrate of Bangalore (received with his - - No. C.C. 57/30-31 dated 17th August 1930) bringing to notice of this Court the conduct of Mr. H.T. Bhargava Iyengar, advocate in delivering public speeches between 2-8-1930 and 16-8-1930 calculated to incite the public into hatred and contempt of Government established by law both in Mysore and British India and submitting the papers for such action as this Court may deem fit to take in the matter.

Heard: Mr. H. Hanachandra Rao,
Government Advocate for Government.

C.V. Narasimha Iyengar for opponent.

O R D E R.

The District Magistrate of Bangalore has brought to the notice of this Court, the implications and tendencies of certain speeches alleged to have been made by Mr. H.T. Bhargava Iyengar, an advocate of this Court, at public meetings in Bangalore between 2nd day to 16th August 1930, with a view to disciplinary action being taken against him, under the Legal Practitioners Regulation. It is pointed out in the reference that these speeches were calculated to incite the public into hatred and contempt of the Government, established by law in Mysore, and in British India, to lead to disobedience of or non-observance under Section 144 Criminal Procedure Code prohibiting processions and meetings, to advocate non-

Payment of taxes, to instigate students to cease attending schools and join the Satyagraha movement, and to induce merchants and lawyers to express sympathy with that movement by observing hartal. Extracts from the speeches in question have been furnished, and it is urged that the speeches will lead to the breach of the peace, and contempt for law and authority. The Government Advocate, who appeared to support the reference, has specified the passages in the speeches, which are set out in our preliminary order of the 25th November, as containing matter, which if enquired into, would bring the advocate within the scope of Section 13(B) of the Regulation.

The Advocate has submitted an explanation traversing the correctness of the statements imputed to him. He states that he was speaking in English, Kannada and Tamil and did not employ the language appearing in the extracts. He denies having advocated non-payment of taxes in Mysore, or having expressed words or ~~advised~~ ideas, intended or likely to lead to a breach of the peace, or to bring the Government or the administration of law into contempt. He admits, however, having advised the public on one or two occasions to peacefully disobey the prohibitory orders of the magistracy issued under Section 144, Criminal Procedure Code, which he along with others considered to be an unjustifiable interference with the fundamental rights of citizenship. He also avows his belief in the observance of a peaceful hartal, as an inoffensive, yet effective, expression of public opinion on any question, and admits having exhorted the students to join the Satyagraha movement.

The principles as to what should be borne in mind in these cases have been well established. A High Court in the exercise of its powers of disciplinary jurisdiction over the advocates of pleaders enrolled by it, is not restricted to taking cognisance of merely acts of professional misconduct, such as are expressly specified in the Legal Practitioners' Regulation. In dealing with the conduct of an advocate in Mysore in the year 1939 for having advised certain shopkeepers to close their

of a system of licence fees, the Chief Court in ~~the~~ Advocate observed as follows:-

"We wish it to be distinctly understood by you, and by all the advocates of this Court, that we consider ourselves to a great extent responsible to Government for the conduct of the advocates we enroll. We do not feel ourselves restricted, in our dealings with advocates, to taking ~~unjustified~~ cognizance of acts of professional misconduct, such as are contemplated by the Legal Practitioners' Act. We consider that we, as the authority which enrolls the advocates, have a right to disqualify any advocate who, in our opinion, has proved guilty of conduct which is dishonourable to his position as an advocate. We are of opinion that you have by your action, in the late strike, rendered yourself to be disbarred. * * * * * Our enrolment of you, as an advocate of the Chief Court confers on you certain privileges, and a certain status and position, which you would not otherwise enjoy. * * * * * We warn you, and we warn all the advocates of our Court, that we shall exercise the most strict and watchful supervision of their conduct. We, as I have said, consider ourselves responsible to his Majesty's Government, for the character and conduct of the advocates of the Chief Court whom we enroll and we shall not in future hesitate to disbar any advocate who we consider to have been proved guilty of conduct unbecoming his position as an advocate."

In British India also, the Privy Council has held in I.L.R. 49 Cal. 845, that the words "any other systematic cause" in Section 13(f) of the Legal Practitioners' Act, are wide enough to include acts other than those done in a professional capacity. In that case, a pleader in the provinces publicly urged an organised resistance to the payment of a certain tax, and his name was cancelled. The Privy Council held that in doing so the Court had acted within its discretionary powers. In 49 Cal. 732 at 804, Lockhart J. has expressed the view that amongst various types of misconduct there are some which

more reprehensible than such conduct as tends to impede, obstruct, or prevent, the administration of the law, or to destroy the confidence of the people in such administration; and any attempt on the part of the pleader to obstruct the administration of justice by resort to any form of device constitutes grounds for disbarment or suspension. Although a legal practitioner, as any other person, has a right to entertain political opinions which may or may not be acceptable to the authorities, & yet, if he acts, inconsistently with the position which he has obtained by virtue of the Sanad granted to him, he abuses it and brings himself within the four corners of the Regulation (See A.I.R. 1928 Cal. 853). A similar view was expressed by the Bombay High Court in 54 I.C. 679. In that case one of the pleaders contended that it was an inherent right of a citizen to protest against what he considered to be a retrograde legislation, by constitutional methods, and that he merely acted under that bona fide belief. In dealing with this plea, Hutton J. pointed out "that professional lawyers belong to a privileged class, and they enjoy their privileges with the consent of the courts. But just as they enjoy special privileges, so they are under peculiar obligations. Moreover this Court is under special obligations in regard to them. Just as it licenses or permits them to practise as lawyers, so it is bound to see that they do not flagrantly abuse their privilege." On this point, Macleod C.J. expressed himself thus: "Advocates and pleaders are a privileged class, enrolled not only for the purpose of rendering assistance to the Courts in the administration of justice, but also for giving professional advice for which they are entitled to be paid, to those members of the public who require their services. Their position, training and practice give them immense influence with the public, and their example must necessarily have a much greater effect, whether for good or for evil, than the example of those who do not occupy this privileged position. It is not necessary, in order for us to be able to exercise our jurisdiction, that any offence

offence should have been committed, nor is it necessary that that the respondents (advocates or pleaders) have done all that have suggested that is anything like general inquiry or investigation of bad character. * * * * * Their duty as pleaders and advocates under their Oaths is to advise their clients to the best of their abilities as to what the law is, not as to what the law should be in their opinion. * * *

Very sound principle to remember is that those who live by the law, should keep the law."

The purpose of the Court's jurisdiction in such cases, is not, as observed by Sir Walter Scott, G.J. in 40 H.L.J. 718, in any way vindictive. Its main object is not to allow a person to practise in Courts, when he himself is counselling disobedience to the law and order enforced by the Courts. When, however, the person who may have offended in that sense before the Court, has honestly expressed his regret, and intention to assist the administration of justice, there is no reason why he should not be given an opportunity of showing that his intentions are so to express them.

In the present instance, in the absence of any inquiry, under Section 14(3) of the Regulation, it is not possible to ascertain the exact words the advocate used, and the sentiments he expressed at the several meetings he admittedly attended. From his own statements in his written statement, it would seem that he advised disobedience of magisterial orders on one or two occasions, and exhorted the students to join the Satyagraha movement. Conduct such as this would prima facie attract the application of the principle enunciated above, especially in view, as set out in the Chief Court's order of 1889, already referred to. In view, however, of the advocate's statement that he never intended to convey the notice issued to the students, and of the regret he has expressed, should the Court have been concerned in a case different from that which is now intended to convey, I do not consider that any further action is warranted in this case.

(Sd) D.K. Rama Rao.
Judge.

(Sd) G. Greenivasa Aiyer,
Judge.

NG, DECEMBER 1, 1930.

NG SITUATION.

A SETTLEMENT.

ppage Inevitable.

L FOR LONDON.

BYE-ELECTION.

For Conservative.

IF D. O-X.

(ER.)

OVERSEAS NEWS.

Portugal.

Fire On the D. O-X.

LONDON, Nov. 29.

Lisbon:—A fire has broken out on board the D. O-X.

The Fire Extinguished.

Serious Damage Done.

(Later):—The fire on the D O-X has been extinguished. The left wing has been completely destroyed.

Spain.

Heavy-Weight Boxing.

Win On Points For Carnera.

LONDON NOV. 30.

Barcelona:—The giant Italian Carnera beat, on points, the Spanish heavy-weight champion Paolino Uzcudun, in a ten-round boxing match.

Legal Intelligence.

IN THE HIGH COURT OF MYSORE BANGALORE.

Dated 28-11-'30.

Proceedings. re. Debarring a Practising Advocate.

Petitioner—District Magistrate, Bangalore.

Opponent—Mr. K. T. Bhashyam Iyengar.

Mr. A. K. Syed Taj Peeran, District Magistrate, Bangalore, made a reference enclosing certain copies of speeches under Section 13 of the Legal Practitioners Act against Mr. K. T. Bhashyam Iyengar, practising Advocate of the High Court of Mysore as to the Advocates alleged objectionable conduct in delivering speeches calculated "to incite the public into hatred and contempt of the Government established by law both in Mysore and British India"

that the only way to save their feelings was through the law Court if they could peacefully disobey those illegal orders." The allegation of rousing a spirit of disobedience is absolutely false.

4. Passages 5 and 6:—The opponent denies having ever advocated non-payment of taxes in Mysore. The opponent insisted on healthy political education in town and village and the establishment of responsible Government thereby as the true remedy, against troubles of the kind witnessed at present in British India.

5. Passage No. 7:—grossly misrepresents what the opponent said regarding the activities of Mr. Dorasami Mudaliar, who is a temperance worker. The opponent is in full sympathy with the temperance movement.

6. Passage 8:—The opponent honestly believes that peaceful hartals are inoffensive and effective expressions of public opinion.

7. Passage 9:—"It is true that the opponent has exhorted the students to join the Satyagraha movement in so far as they could participate in it: that is he has repeatedly called upon them to wear Khadder, boycott foreign cloth, help the poor in eradication of the drink evil and otherwise contribute their services for the national regeneration of the country.

On receipt of this reply the case was adjourned to the 1st December for the Government Advocate's reply.

—:o:—

Mysore Birthday Races.

SEASON'S PROSPECTS.

FROM OUR OWN CORRESPONDENT.

Mysore, Nov. 29.

The official prospectus of the Mysore Races, which follow closely on the heels of the Ootacamund Races, is not yet issued, but it is possible to say that great improvements are contemplated for this year's meeting. Racing has become a keen sport in Mysore and the R. C. T.C. under whose control the Mysore Meeting will be conducted, very generously extended the days of racing from four to five days and last year an innovation was made on the course by the creation of a second enclosure for the benefit of the poorer class of enthusiasts. Permanent buildings in this connection are in course of erection, while the authorities are also increasing the accommodation for jockeys, owners and trainers by providing pucca buildings, in addition to what already exist for the purpose. The course is one of the finest of its kind in South India. It is in the out-skirts of the City with the historic Chamundi Hills as its back ground. The track is maintained in excellent condition.

It is understood that the local Stewards have asked for May 26, 28 and 30 and June 3 and 6 for the Mysore Meeting, while the Ootacamund season, as at present under

ordered that the Advocate be supplied with a copy of the charges, in order to enable him to file a reply to the allegations contained in the District Magistrate's reference, and that on receipt of the reply as well as the Government Advocate's reply thereto the Full Bench of the Judges would hear the arguments on both sides.

The Advocate, Mr. K. T. Bhashyam Iyengar filed on 28-11-30 a statement in answer to the charges formulated against him. The statement being long a summary of the same is given below:

1. "The Opponent (Mr. K. T. Bhashyam Iyengar) admits, having been one of the speakers at the several meetings mentioned in the extracts. The dates of the meetings are also probably correct. The Opponent, however, did not address any meeting under the presidency of Mr. C. V. Narasimengar or in his bungalow."

2. "The passages and ideas attributed to the Opponent are stray, disjointed, misleading and untrue. The language of the extracts is not that of the Opponent. He has been speaking in English, Kannada, and Tamil. The opponent has not expressed words and ideas intended or likely to lead to a breach of the peace or to bring the Government or the Administration of law into contempt."

3. Re. the first four passages:—

"The Police in Bangalore City and other parts of the State secured a succession of prohibitory orders of an executive nature, which the opponent, in common with the rest of the public, felt to be unjustifiable interference with the fundamental rights of citizenship. The general resentment against these executive encroachments on the ordinary liberties of the subject, was of such intensity that the opponent realised the necessity to counsel wisdom to a despairing section of the public, and to tell them